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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Legislative Assembly of Goa, Daman and Diu

Legislature Department

No. LA/2963/65

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 4th August 1965, is hereby published for general information in pursuance of the provisions of rule 127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Mamlatdars Courts Bill, 1965

(Bill No. 20 of 1965)

A Bill to constitute courts of Mamlatdars and to regulate their powers and procedure and matters connected therewith

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the sixteenth year of the Republic of India as follows:

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Mamlatdars Courts Act, 1965.

(2) It shall extend to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as Government may by notification in the Official Gazette appoint and different dates may be fixed for different areas.

2. Definitions. — In this Act, unless there is anything repugnant in the subject or context —

(a) «Mamlatdar» means a person appointed as a Mamlatdar by Government and includes a Joint Mamlatdar;

(b) «Government» means the Administrator of Goa, Daman and Diu appointed under Article 239 of the constitution;

(c) the words «plaintiff» and «defendant» shall include

(i) a pleader duly appointed to act on behalf of such plaintiff or defendant and.

(ii) the recognized agent of a plaintiff or defendant as defined in section 37 of the Code of Civil Procedure.

3. Appointment of Joint Mamlatdar. — (1) Government, may, by notification in the official Gazette, appoint in any Taluka or other local area a Joint Mamlatdar under this Act who shall be invested with co-extensive powers and a concurrent jurisdiction with the Mamlatdar, except that he shall dispose of such suits or proceedings only as he may receive from the Mamlatdar.

(2) The Mamlatdar is hereby empowered to transfer to the Joint Mamlatdar for disposal any suit under this Act the plaint in which has been presented to the Mamlatdar under section 7, and to re-transfer to his own file any such suit.

4. Powers of Mamlatdars' Courts. — (1) Every Mamlatdar shall preside over a Court, which shall be called a Mamlatdars Court, and which shall subject to the provisions of section 5 and 26, have power, within such territorial limits as may, from time to time, be fixed by Government —

(a) to remove or cause to be removed any impediment erected otherwise than under due authority of law, to the natural flow in a defined channel or otherwise of any surface water naturally rising in or falling on any land used for agriculture or grazing or trees or crops, on to any adjacent land, where such impediment causes or is likely to cause damage to the land used for such purposes or to any such grazing, trees or crops thereon;

(b) to give immediate possession of any lands or premises used for agriculture or grazing, or trees or crops, or fisheries, or to restore the use of water from any well, tank, canal or water-course, whether natural or artificial used for agricultural purposes to any person who has been dispossessed or deprived thereof otherwise than by due course of law, or who has become entitled to the possession or restoration thereof by reason of the determination of any tenancy or other right of any other person, not being a person who has been a former owner or part-owner, within a period of twelve years before the institu-

tion of the suit of the property or use claimed, or who is the legal representative of such former owner or part-owner:

Provided that, if in any case the Mamlatdar considers it inequitable or unduly harsh to remove or cause to be removed any such impediment or to give possession of any such property or to restore any such use to a person who has become entitled thereto merely by reason of the determination of any such tenancy or other right, or if it appears to him that such case can be more suitably dealt with by a Civil Court, he may in his discretion refuse to exercise the power aforesaid, but shall record in writing his reasons for such refusal.

(2) The said Court shall also, subject to the same provisions, have power within the said limits, where any impediment referred to in sub-section (1) is erected, or an attempt has been made to erect it, or when any person, is otherwise than by due course of law disturbed or obstructed, or when an attempt has been made so to disturb or obstruct any person in the possession of any lands or premises used for agriculture or grazing, or trees, or crops or fisheries, or in the use of water from any well, tank, canal or water-course, whether natural or artificial, used for agricultural purposes, or in the use of roads or customary ways, thereto, to issue an injunction to the person erecting or who has attempted to erect such impediment, or causing, or who has attempted to cause, such disturbance or obstruction requiring him to refrain from erecting or attempting to erect any such impediment or from causing or attempting to cause any further such disturbance or obstruction.

(3) No suit shall be entertained by a Mamlatdars Court unless it is brought within six months from the date on which the cause of action arose.

(4) The cause of action shall be deemed to have arisen on the date on which the impediment to the natural flow of surface water or the dispossession, deprivation or determination, of tenancy or other right occurred, or the attempted impediment or disturbance or obstruction, on which the impediment, disturbance or obstruction first commences.

Explanation: The exercise by a joint owner of any right which he has over the joint property is not a dispossession, or disturbance of possession of the other joint owner or owners within the meaning of this section.

5. Power of Collector to transfer suit.—The Collector, may, after due notice to the parties by order in writing transfer any suit from any Mamlatdars Court in his district to any other Mamlatdars Court in his district, and the Mamlatdars Court to which the suit is so transferred shall thereupon exercise jurisdiction in such suit, but any order issued to village officers under section 21 shall be issued by the Mamlatdar to whom such village-officers are subordinate.

6. Suits commenced by plaintiff: Contents of plaintiff.—All suits under this Act shall be commenced by a plaintiff which shall be presented to the Mamlatdar in open Court by the plaintiff, and which shall contain the following particulars:—

(a) the name, age, profession and place of abode of the plaintiff,

(b) the name, age, profession and place of abode of the defendant,

(c) the nature and situation of the impediment erected and the situation of the lands which are adjacent to each other, and the nature of the relief sought;

(d) the nature and situation of the property of which possession for use is sought, or the nature of the injunction to be granted, as the case may be,

(e) the date on which the cause of action arose,

(f) the circumstances out of which the cause of action arose, and

(g) a list of the plaintiff's documents, if any, and of his witnesses, if any, showing what evidence is required from each witness, and whether such witnesses are to be summoned to attend, or whether the plaintiff will produce them on the day and at the place to be fixed under section 13.

7. Informal petitions to be treated as plaints.—Where a petition not in the form of a plaint is presented to the Mamlatdar and the subject matter thereof appears to fall within the scope of section 4, the Mamlatdar shall explain to the person presenting the petition the nature of the reliefs afforded by this Act and shall inquire whether the petitioner desires to obtain relief thereby. If the petitioner expresses a desire so to obtain relief, the Mamlatdar shall endorse the desire on the petition which shall thereupon be deemed to be plaint presented under section 6.

8. Examination of plaintiff on oath.—Where the plaint does not contain the particulars specified in section 5 or is unnecessarily prolix, the Mamlatdar shall forthwith examine the plaintiff upon oath and ascertain from him such of the particulars specified in section 5 as are not clearly and correctly stated in the plaint and shall reduce the examination to writing in the form of an endorsement on or annexure to the plaint which shall thereupon be deemed to be part of the plaint. Where the plaintiff requires time to obtain any of the particulars specified in section 5, the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

9. Plaint to be subscribed and verified.—When the plaint is presented, and has if necessary been treated in the manner specified in section 8, the Mamlatdar shall require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following or to the like effect:—

«I, A. B. the plaintiff, do hereby declare that what is stated in this plaint is true to the best of my information and belief».

10. Endorsement by Mamlatdar.—(1) The Mamlatdar shall endorse the plaint to the effect that it was duly subscribed and verified.

(2) Where the plaintiff cannot write, the verification may be written for him in open Court and he shall affix his mark to his name in token of the authenticity of the verification, and the Mamlatdar shall, in such case, record that the verification was made in his presence at the request of the plaintiff and that his mark was so affixed.

11. Rejection of plaint.—The Mamlatdar shall reject the plaint—

(a) where the plaintiff declines to make a statement on oath under section 8, or

(b) where the plaintiff is willing to make or has made a statement on oath under section 8, but fails to furnish the particulars, specified in section 6 within the time fixed under section 8 or altogether, or

(c) where it appears upon the face of the plaint —

(i) that the property or use claimed is not one of the kind specified in section 4, or

(ii) that the cause of action arose more than six months before the plaint was presented, or

(d) where the plaintiff declines to subscribe or verify the plaint as required by sections 9 and 10.

12. Return of plaint. — Where it appears to the Mamlatdar that the subject of the plaint is not within his jurisdiction, he shall return the plaint to be presented to the proper Court.

13. Procedure where plaint admissible. — (1) Where a plaint is admissible, the Mamlatdar shall receive and file it. He shall then fix a convenient day and place for the trial of the case, and shall issue, at the expense of the plaintiff, notice in the Form A of the Schedule appended to this Act to the defendant. He shall then require the plaintiff to appear with his documents, if any, and witnesses if any, on the day and at the place fixed.

(2) The date to be fixed for the trial of the case shall not be earlier than ten days nor later than fifteen days, from the day on which the notice is issued, except for sufficient reason to be recorded in writing by the Mamlatdar with his own hand.

(3) The place to be fixed for the trial of the case may be in the Mamlatdar's office, or at or near the scene of dispute or at any other spot that the Mamlatdar considers convenient to the parties.

14. Attendance of witnesses. — (1) Where either party requires any witness to be summoned to appear on the day and at the place fixed, the Mamlatdar shall issue a summons for that purpose.

(2) The Mamlatdar may issue, after recording his reasons in writing a warrant for the arrest of any such witness if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

(3) The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the rules that may from time to time be in force in regard to the attendance of witnesses in Subordinate Civil Courts.

15. Effects of default and withdrawal of suits. —

(1) Where the plaintiff fails to attend, or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the plaint with costs, whether the defendant appears or not, unless the defendant, admits the claim.

(2) Where the plaintiff attends as required by Sub-section (1) of section 13 but the defendant fails to attend, and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the defendant and in sufficient

time to enable the defendant to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the plaint ex-parte:

Provided, that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of a plaint under sub-section (2), that he was prevented by some sufficient cause from attending, or from producing his documents or from adopting measures to procure the attendance of his witnesses, as the case may be, it shall be lawful for the Mamlatdar to issue a notice in the Form B of the Schedule appended to this Act at the expense of the applicant to the opposite party and, if still satisfied after hearing of the opposite party that the applicant was prevented as alleged, to re-hear the case at such time and place as he may then fix:

Provided further, that nothing in the foregoing provisions shall prevent the plaintiff from withdrawing his suit on payment of the defendant's costs.

16. When proceedings may be adjourned. — (1) Where in the case mentioned in sub-section (2) of section 15 the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the defendant, and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under sub-section (1) of section 13 to the defendant.

(2) Where any witness who has been duly summoned, or for whose arrest a warrant has been issued under sub-section (2) of section 14, fails to attend on the day and at the place fixed, the Mamlatdar may, if he considers there is sufficient reason, after taking the evidence of those present, adjourn the hearing of the suit from time to time till the attendance of such witness can be enforced.

(3) The Mamlatdar may, for any other sufficient reason to be recorded in writing adjourn the trial of the case for such time as he thinks fit, but not ordinarily exceeding ten days.

(4) The provisions of sections 14 and 15 shall apply in respect of any day to which the trial of the case may be adjourned under this section, as if such day were the day originally fixed for the trial.

17. Parties to suits. — (1) A minor may sue or be sued, if he is represented by a natural or duly appointed guardian.

(2) The Mamlatdar may, at any stage of the proceedings order that the name of any person to whom possession or enjoyment of the property or use claimed, or of any part thereof, may have been transferred, or the addition of whom as a party appears necessary in order to enable the Court effectually and completely to adjudicate upon the issues, be added as a plaintiff or defendant, as the circumstances of the case may require:

Provided that no person shall be added as a plaintiff without his consent:

Provided further that in respect of any person so added not being a transferee pending the suit, the suit shall for the purposes of sub-section (3) of section 4, be deemed to have been instituted on the day when his name was so added.

(3) In case of the death of any party while the suit is pending;

- (i) if application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and shall enter on the record the name of such representative;
- (ii) if no such application is made, the suit shall abate.

(4) Where the Mamlatdar orders the name of any persons to be added as a defendant or enters on the record the name of any person as the legal representative of a deceased defendant the Mamlatdar shall issue to such person a notice as provided in section 13, and the trial shall proceed on the date fixed in such notice.

18. Procedure and powers of Mamlatdars' Courts.—

(1) On the day fixed or on any day to which the proceedings may have been adjourned, the Mamlatdar shall, subject to the provisions of section 15 proceed to hear all the evidence that is then and there before him, and to try the following issues, namely:—

(a) If the plaintiff avers that the natural flow of surface water from his land has been impeded by any erection raised by the defendant causing damage or likelihood of damage to the plaintiff's land or to any grazing, trees or crops thereon—

- (i) whether surface water flowed in a defined channel or otherwise, naturally from plaintiff's land on to the defendant's land;
- (ii) whether the defendant erected any impediment to such flow, otherwise than under due authority of law;
- (iii) whether such erection impeded such natural flow of water within six months before the suit was filed;
- (iv) whether such impediment has caused or is likely to cause damage to plaintiff's land or to any grazing, trees or crops thereon;

(b) If the plaintiff avers that he has been unlawfully dispossessed of any property or deprived of any use—

- (i) whether the plaintiff or any person on his behalf or through whom he claims was in possession or enjoyment of the property or use claimed up to any time within six months before the suit was filed;
- (ii) whether the defendant is in possession at the time of the suit, and, if so, whether he obtained possession otherwise than by due course of law;

(c) If the plaintiff avers that he is entitled to possession of any property or restoration of any use by reason of the determination of any tenure or other right of the defendant in respect thereof—

- (i) whether the defendant is in possession of the property or in the enjoyment of the use by a right derived from the plaintiff or from any person through whom he claimed;
- (ii) whether such right has determined at any time within six months before the suit was filed;
- (iii) whether the defendant is other than a person who has been a former owner or part-owner within a period of twelve years

before the institution of the suit of the property or use claimed, and other than the legal representative of such former owner or part-owner.

(d) If the plaintiff avers that he is still in possession of the property or in the enjoyment of the use, but that the defendant disturbs or obstructs, or has attempted to disturb or obstruct him in his possession or use—

- (i) whether the plaintiff or any person in his behalf is actually in possession or enjoyment of the property or use claimed;
- (ii) whether the defendant is disturbing or obstructing or has attempted to disturb or obstruct, him in such possession or enjoyment;
- (iii) whether such disturbance or obstruction, or such attempted disturbance or obstruction, first commenced within six months before the suit was filed.

(2) The Mamlatdar may, after due notice to, and in the presence of, the parties, summon and examine as a witness any person who has not been summoned or produced, and may call for and cause to be proved any document which has not been applied for or produced, by either of the parties, where he considers it expedient in the interests of justice so to do, and may, if he thinks fit, make a personal inspection of the property in dispute in the presence of, or after due notice to, the parties.

He shall without unnecessary delay record a memorandum after hearing the parties on the spot, if present of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case.

(3) The Mamlatdar shall with his own hand make or sign a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds, and briefly record his reasons for his finding.

(4) Where the Mamlatdar's finding upon the issues is in favour of the plaintiff, he shall make such order, not being in excess of the powers vested in him by section 4 as the circumstances of the case appear to him to require, and where his findings is in favour of the defendant, he shall dismiss the suit. In either case the costs of the suit including the costs of execution shall follow the decision.

19. Mamlatdars order to be endorsed on plaint and read out in open Court.—Every order of the Mamlatdar, whether for rejecting or returning a plaint or whether for allowing or disallowing a claim shall be endorsed by the Mamlatdar on the plaint and shall be read out by him in open court, either at once or on some future day of which due notice shall be given to the parties or their pleaders, and brief reasons for the order shall be placed by him on record.

20. Mamlatdars decision how executed.—(1) Where the Mamlatdar's decision is for removal of an impediment or for awarding possession or restoring a use, he shall give effect thereto by issuing such orders to the village-officers, or to any subordinate under his control or otherwise, as he thinks fit:

Provided that notwithstanding anything contained in this Act, where at the time when a decision is re-

corded by the Mamlatdar for removal of the impediment erected on any land or for award in possession of any land, there is a crop on such land which has been sown by or at the expense of the defendant, and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may, and if the defendant makes an application for the purpose and furnishes sufficient security, or deposits in Court a sufficient sum for the payment of the costs of the suit, shall pass an order staying delivery of possession of such land to the plaintiff seeking possession thereof, either—

(a) until the plaintiff agrees to take the crop at a valuation to be made under the orders of the Mamlatdar according to the value of the crop at such time, including any instalments of the Government assessment which the defendant may have paid for the current year; or

(b) where the plaintiff is unwilling to take the crop at such valuation until after the expiration of sufficient time for the crop to be gathered by the defendant.

The amount of any valuation made under clause (a) of the proviso to this sub-section shall be paid to the defendant through the Mamlatdar, and shall be recoverable from the plaintiff as an arrear of land revenue.

(2) Where the Mamlatdar's decision is for granting an injunction, he shall cause the same to be prepared in the Form C or D of the Schedule appended to this Act as the case may be, and shall deliver or tender the same then and there to the defendant, if present or if the defendant is not present, shall send it to the village-officers, or to any subordinate under his control to be served upon the defendant.

(3) Where the Mamlatdar awards costs, such costs, together with the costs of execution shall be recoverable from the party ordered to pay them as an arrear of land revenue.

(4) Any person disobeying an injunction granted under sub-section (2) shall be punishable under section 188 of the Indian Penal Code.

21. Possession to be given without prejudice to rights of parties.—Subject to the provisions of sub-section (2) of Section 22 the party in favour of whom the Mamlatdar issues an order for removal of an impediment or the party to whom the Mamlatdar gives possession or restores a use, or in whose favour an injunction is granted, shall continue to have the surface water upon his land flow unimpeded on to adjacent land or continue in possession or use, as the case may be, until otherwise decreed or ordered, or until ousted, by a competent Civil Court;

Provided, that nothing in this section shall prevent the party against whom the Mamlatdar's decision is passed from recovering by a suit in a competent Civil Court mesne profits for the time he has been kept out of possession of any property or out of enjoyment of any use:

Provided, further, that in any subsequent suit or other proceeding in any Civil Court between the same parties, or other persons claiming under them the Mamlatdar's decision respecting the possession of any property or the enjoyment of any use or respecting the title to or valuation of any crop dealt with under the proviso to sub-section (1) of section 20, shall not be held to be conclusive.

22. Collectors' power of revision.—(1) Subject to the provisions of sub-section (2) every order passed by a Mamlatdar under this Act, shall be final.

(2) The Collector may call for and examine the record of any suit under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with this Act, as he thinks fit.

(3) The Collector may delegate the powers conferred on him by this section to any Assistant Collector or Deputy Collector subordinate to him.

(4) Where the Collector, Assistant Collector or Deputy Collector takes any proceedings under this Act he shall be deemed to be a Court under this Act.

23. Punishment for verification of false plaint.—Any plaintiff subscribing and verifying any plaint under this Act which he either knows or believes to be false, or does not believe to be true, in any material point, shall be deemed to have committed an offence punishable under section 193 of the Indian Penal Code.

24. Bar of certain suits.—No suit shall lie under this Act—

(a) against Government or against any Government officer in respect of any act done or purporting to be done by any such officer in his official capacity, except where acting as a manager or guardian duly constituted under any law for the time being in force; or

(b) in respect of any removal of any impediment or of any dispossession, recovery of possession or disturbance of possession, that has been the subject of previous proceedings, to which the plaintiff or his predecessor in interest was a party, under this Act, or in a Civil Court, or under Chapter XII of the Code of Criminal Procedure, 1898 (V of 1898).

25. Authority to confer additional power.—Government may by notification in the Official Gazette invest a Mamlatdar with such powers of a Civil Court as may be specified, for the purposes of this Act, or any other law for the time being in force.

26. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of the Act, Government may, by order as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.

SCHEDULE

FORM A

In the Court of the Mamlatdar of ...

Plaintiff;
Defendant.

To Defendant—(name, age, profession and place of abode). Whereas (here enter the name, age, profession and place of abode of the plaintiff) has instituted a suit in this Court against you (here state the particulars of the plaint):

You are hereby summoned to appear in this Court at the village of ... in person or by duly authorised agent on the ... day of ... at ... o'clock ... m., to answer the above-named plaintiff; and, as the plaint will be finally disposed of on that day, you must adopt measures to produce your documents and procure the attendance of your witnesses at the hour and place above fixed; and you are hereby required to take notice that, in default of such appearance at the before men-

tioned time and place, the suit will be heard and determined in the absence of yourself and your agent.

Dated this ... day of ... 19...

(signed)
Mamlatdar.

FORM B

In the Court of the Mamlatdar of ...

Plaintiff
Defendant.

To Plaintiff (or Defendant, as the case may be).

Whereas, in the suit above specified, instituted in this Court by ... the Court ordered on the ... day of ... last that ..., and the said plaintiff (or defendant, as the case may be), has under date the ... day of ..., applied to this Court to re-hear the case on the grounds that (here state the grounds).

This is to give you notice that the said application will be heard and determined on the ... day of ... at ... o'clock ... m., at the village of and you are hereby required to take notice that in default of your appearance personally or by an agent at the said time and place the application will be heard and determined in your absence and if granted, at time and place for re-hearing the suit will then be fixed.

Dated this ... day of ... 19...

(signed)
Mamlatdar.

FORM C

In the Court of the Mamlatdar of ...

... Plaintiff
... Defendant

To Defendant

Whereas in the suit above specified the Court has this day found that you have impeded (or that you have attempted to impede) the natural flow of surface water naturally rising in or falling on the plaintiffs under-mentioned property by (here describe the property and the impediment erected, or attempted to be erected, found proved).

You are hereby prohibited from erecting or attempting to erect any impediment (if necessary set forth the particular kind of impediment which the defendant is enjoined not to erect) to the natural flow of surface water from the said plaintiff's said property on to your property otherwise than under authority of a competent Civil Court.

Dated this ... day of ...

(signed)
Mamlatdar.

FORM D

In the Court of the Mamlatdar of ...

Plaintiff;
Defendant.

To Defendant

Whereas in the suit above specified the Court has this day found that you have disturbed or obstructed (or that you have attempted to disturb or obstruct) the said plaintiff in his possession of the under-mentioned property (or enjoyment of the under-mentioned use of water or use of roads, or otherwise as the case may be by (here describe the disturbance or obstruction or attempted disturbance or obstruction found proved).

You are hereby prohibited from making any further attempt to disturb or obstruct (if necessary, set forth the particular kind of disturbance or obstruction which the defendant is enjoined not to repeat) the said plaintiff in his possession of the said property (or otherwise as the case may be) otherwise

than in execution of the decree of a competent Civil Court.

Dated this ... day of ... 19...

(signed)
Mamlatdar.

Financial Memorandum

Although the Bill seeks to create Mamlatdars Courts no expense is likely to be incurred for this reason as the Bill merely seeks to confer certain powers of a Civil Court on existing Officers.

Statement of Objects and Reasons

Although Mamlatdars have been functioning in this territory for some time, their powers are limited. Apart from their powers as Magistrates and under the Agricultural Tenancy Act they have no authority to restore possession to persons who have been wrongfully dispossessed or to issue an injunction when the flow of water in a natural channel is obstructed so as to cause damage to standing crops and agricultural land generally. It is, therefore, proposed to create Mamlatdars Courts on the lines of similar Courts functioning in neighbouring States wherein such disputes might be summarily determined. The Bill seeks to give effect to these objects.

Panjim,

August 4, 1965.

TONY FERNANDES

Minister for Law, Labour,
Industries and Agriculture

ASSEMBLY HALL

Panjim,

August 23, 1965.

P. B. VENKATASUBRAMANIAN
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

Planning and Development Department

Notification

In exercise of the powers conferred by sub-rule(2) read with clause (a), (b), (j), (l), (m) and (n) of sub-rule (3) of Rule 125 of the Defence of India Rules, 1962 and of all powers enabling him in this behalf and with the prior concurrence of the Central Government, the Administrator of Goa, Daman and Diu hereby makes the following amendment to the Goa, Daman and Diu Controlled Commodities (Regulation of Distribution) Order, 1965 namely:—

In the said Order for clause(6) the following clause shall be substituted, namely:—

6. Supply of controlled commodities. — No authorized fair price shop or any other person shall sell or agree to sell or supply or agree to supply controlled commodities to any person except against ration card and at such prices and at such quantities as may be specified by the Government or Director, Civil Supplies in this behalf from time to time.

By order and in the name of the Administrator
of Goa, Daman and Diu.

A. F. Couto, Development Commissioner and Secretary Planning and Development Department.

Panjim, 20th August, 1965.

Finance Department

Notification

FS/F. III/2-35/part/1593/65

In exercise of the powers conferred by sub-section (1) of Section 42 of the Goa, Daman and Diu, Excise Duty Act, 1964, the Government hereby exempts the tapping of the coconut trees for drawing toddy from the payment of so much of tree-tax leviable thereon as in excess of Rupees five during the period of three months beginning from 1st August, 1965.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panjim, 21st August, 1965.

Industries and Labour Department

Mormugao Port Trust

Notification

MPT/IGA/(E.344)/65

As required under Section 124(1) of the Major Port Trusts Act, 1963, the following amendment to

the Mormugao Port Employees' (Leave) Regulations, 1964, duly approved by the Central Government vide Ministry of Transport's letter No. 7-PE(19)/65 dated 8-8-1965, is hereby published.

AMENDMENT

The sub-regulation (b) of regulation (2) of the Mormugao Port Employees' (Leave) Regulations, 1964 be as follows:—

«Any employee, who was not governed by the Revised Leave Rules, 1933, before the commencement of these Regulations shall be governed by those rules by which he was previously governed unless he specifically declares to the Board within such time as may be prescribed by the Board that he intends to come under these regulations. The declaration once made shall be final. Any employee making such a declaration shall be deemed to be governed by these regulations on and from the date of commencement of these regulations».

By order.

Mormugao, 16th August, 1965. — *Shivakumar Dhindaw*, Secretary.